

c.) Applicant's Remarks

Applicant has made minor typographical and/or grammatical changes to the claims as requested by the examiner. Claim 27 has been amended to clarify that the distances for the discharge pipe are pipe diameters. Claims 1-16 were previously canceled and claims 17-27 were added, thus, claims 17-27 are presently pending.

Remarks Regarding 35 U.S.C. § 103(a)

Claims 17-27 stand rejected, under 35 U.S.C. § 103(a), as allegedly obvious over Wilson (U.S. Patent No. 3,050,383) in view of Parker (U.S. Patent No. 4,427,433). Applicant respectfully traverses this rejection.

Claim 17 relates to a process for preparing an enhanced plant nutrient value composition from a low analysis waste material. The process includes (i) pumping a slurry form of the low analysis waste material through a pipe reactor for reaction with at least one base or acid to form a high temperature melt; (ii) spraying the melt from the pipe reactor directly onto a recycling bed of fines in a granulator and flashing off water contained in the melt as steam; (iii) rolling the melt onto particles in the granulator to form granulated particles; and (iv) drying the granulated particles to reduce the moisture content thereof to form dried granulated particles comprising an enhanced plant nutrient value composition.

It is alleged that Wilson discloses all of the claimed steps except that Wilson “does not disclose that the reaction should be carried out in a pipe reactor, and that the melt from the pipe reactor should be directly sprayed onto a recycling bed of fines in a granulator.” It is the Examiner’s contention that it would be obvious to modify Wilson to use a pipe reactor and to spray the melt on a recycling bed of fines in a granulator as described in Parker.

This is not correct because Wilson actually teaches against using a pipe reactor. Wilson discloses a method of making granulated fertilizer by first drying sewage or other organic waste to form a solid reactant and then mixing the solid reactant with an acid and ammonical solution in a tumbling drum (See Wilson, col. 3, l. 63 – col. 4, l. 24 and Examples I-VII). “The resulting

reaction mass or mixture is then tumbled to effect the granulation of the fertilizer product.”

Since solid reactants can not easily be pumped through a pipe reactor, one of ordinary skill in the art would not substitute a pipe reactor in place of the tumbling drum disclosed in Wilson.

In addition, Wilson does not disclose or suggest a method of forming a melt from low analysis material for spraying directly onto a recycling bed of fines in a granulator as claimed in claim 17. Although Parker discloses preparing an ammonium polyphosphate fertilizer in a pipe reactor, Parker, like Wilson, does not disclose or suggest a method of preparing a melt from low analysis waste. As described by applicants, a slurry of low analysis waste is made by adding water to the waste or by taking the waste as a slurry (see specification, paragraph [0010]). Accordingly, Wilson actually teaches away from forming this slurry since water is removed from the waste prior to reaction in Wilson. As recited in claim 17, this slurry is then combined in a pipe reactor with at least one base or acid to form a high temperature melt. Since neither Wilson nor Parker disclose or suggest (either individually or in combination) a process for reacting low analysis waste in a pipe reactor or a process for forming the high temperature melt from low analysis waste as claimed in claim 17, Wilson in view of Parker cannot suggest the claimed invention.

Thus, the rejection of claims 17-27, under 35 U.S.C. § 103(a), is overcome and should be withdrawn.

Remarks Regarding Obviousness-Type Double Patenting

Claims 17-27 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly obvious over claims 1-8 of U.S. Patent No. 6,159,263 in view of Parker and again as allegedly obvious over claims 1-12 of U.S. Patent No. 5,984,992. Although applicant respectfully traverses both rejections, enclosed herewith is an appropriate terminal disclaimer. Accordingly, both rejections are now moot and applicant respectfully requests that they be withdrawn.

Remarks Regarding 35 U.S.C. § 112, First Paragraph

Claims 17-27 stand rejected, under 35 U.S.C. § 112, first paragraph, as allegedly without description support for carrying out the reaction in a pipe reactor. Applicant respectfully traverses this rejection.

The disclosure for carrying out the reaction in a pipe reactor is shown in Fig.2 and paragraphs [0024]-[0026] of the specification which provide a detailed description for carrying out the reaction in a pipe reactor.

Accordingly, as the application does contain the proper support, the rejection of claims 17-27, under 35 U.S.C. § 112, first paragraph, is overcome and should be withdrawn.

Remarks Regarding 35 U.S.C. § 112, Second Paragraph

Claims 20-27 stand rejected, under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for reciting “a process as described.” In accordance with the Examiner’s suggestion, claims 20-27 have been amended to recite “a process as recited.” Accordingly, this rejection is moot and applicant respectfully requests that it be withdrawn.

Conclusion

The application is in condition for allowance and the prompt issuance of a notice of allowance is respectfully requested. If there are any additional fees due with the filing of this Amendment, including any fees for an extension of time, applicant respectfully requests that extension and further requests that any and all such fees be charged to Deposit Account No. 03-1952.

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